

In the United States Court of Federal Claims

No. 05-726C
(Filed April 18, 2007)

KEITH RUSSELL JUDD,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

While the Court is reluctant to continue any correspondence with the plaintiff in this case, which has been dismissed for lack of subject matter jurisdiction, the latest document submitted to the Court by the plaintiff underscores Mr. Judd's fundamental misunderstanding of the proceedings in his case. Although Mr. Judd has admitted to suffering from a "serious mental illness," *see* Motion for Relief from Judgment (filed Feb. 5, 2007) at 1, the Court hopes that one final clarification may stop once and for all the waste of resources due to Mr. Judd's continuing submissions.

Mister Judd has submitted a "Motion for Judicial Determination of Fees," in which he asks whether he needs to pay additional fees for an amended complaint he alleges to have mailed on June 30, 2005. He also implies that his RCFC Rule 59(e) motion was not ruled upon. The Court has no record of receiving any "Amended Complaint" mailed by Mr. Judd on June 30, 2005. Perhaps he is referring to the "Claim for Damages for Unjust Imprisonment," which appears to have been received by the Clerk's office on December 5, 2005, and again received in Chambers in early 2006. *See* Order (Feb. 8, 2006). As the Court explained in the February 8, 2006 order, Mr. Judd would need to pay the \$250 filing fee to open a new case based on the unjust imprisonment claim. The Court suggests that Mr. Judd read carefully the provisions of 28 U.S.C. §§ 1495 and 2513 before filing a case for unjust conviction in our Court, as he can only receive damages in our Court if 1) his conviction has been reversed or set aside on the ground that he was not guilty, 2) he did not commit the offense and his misconduct or neglect did not cause his prosecution, and 3) he has a certificate of the court or a pardon supporting his claim. *See* 28 U.S.C. § 2513(a),(b). In any event, Mr. Judd's "Claim for Damages for Unjust Imprisonment" was returned to him both times it was submitted. *See* Order (Dec. 29, 2005); Order (Feb. 8, 2006). No "Amended Complaint" mailed on June 30, 2005 has been received at the Court.

Mister Judd also references a “Motion for Leave to Proceed In Forma Pauperis,” which he claims to have submitted “under the imminent danger of serious physical injury exception of 28 U.S.C. § 1915(g), on June 27, 2005.” It appears to the Court that it was only *after* the Court denied him *in forma pauperis* status that plaintiff submitted a motion regarding this status. *See* Order (Jan. 12, 2006). Once again, plaintiff appears to be confused about this case.

Finally, the Court notes, once again, that Mr. Judd’s motions under RCFC 59 and 60 *were filed, ruled upon, and denied* on February 5, 2007. *See* Order (Feb. 5, 2007).

To sum things up, to make things as clear as possible for Mr. Judd:

- 1) The Court does not have any “Amended Complaint” submitted by him June 30, 2005;
- 2) if Mr. Judd wants to file a new complaint, he must submit the \$250 filing fee to do so, and *should not* put the case number from this case (05-726) on the complaint;
- 3) Mr. Judd’s RCFC 59 and 60 motions were filed on February 5, 2007, and denied that same day, and Mr. Judd is not entitled to have any further motions considered by this Court in this case; and
- 4) whether Mr. Judd may continue to appeal matters relating to this case, and whether he must pay an additional filing fee to do so, is a matter between Mr. Judd and the Federal Circuit.

This case is closed, and the “Motion for Judicial Determination of Fees” will not be filed. The Clerk is directed to mail Mr. Judd an additional copy of the orders dated December 29, 2005, February 8, 2006, and February 5, 2007. Mister Judd is ordered to no longer submit to this Court documents pertaining to case no. 05-726, unless and until the dismissal of this case is reversed by the United States Court of Appeals for the Federal Circuit. The Clerk is no longer filing submissions from Mr. Judd in this case.

IT IS SO ORDERED.

VICTOR J. WOLSKI
Judge